

## **Probate Notes for August 7, 2013**

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. Unless an appearance at the hearing is otherwise required by law, if petitioner submits a proposed order prior to the hearing and the recommendation is to grant the petition, no appearance is necessary. If you wish to continue a matter, please contact the civil division at (530) 406-6704.

**Please note:** The following probate matters will be heard in **Department Fifteen** at **8:30 a.m.**

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**CASE:           Estate of Bryant III**  
**Case No. CV PB 13-12**

It is recommended to approve the final report and grant the petition for final distribution on waiver of accounting and for allowance of statutory compensation to the attorney for ordinary services in the amount requested. (Prob. Code, § 11600 et seq.)

**CASE:           Conservatorship of Davis**  
**Case No. CV PC 12-131**

It is recommended to approve the court investigator's report. (Prob. Code, § 1850 et seq.)

**CASE:           In the Matter of the Marjorie J. Davis Trust**  
**Case No. CV P2 13-114**

Petitioner fails to verify the ages of Megan Davis and John H. Davis. Pursuant to the trust, if Megan Davis or John H. Davis have not reached the age of twenty-five years, their share shall be retained in a custodial account under the Uniform Transfer to Minors Act. (Petition, Exh. 1, Section 5.01(2).) To the extent their shares are held in a custodial account, Megan Davis and John H. Davis do not have the authority to disclaim their interest as alleged. (Petition, ¶ 6 and Exh. 2.) Petitioner is directed to submit evidence prior to the hearing regarding the ages of Megan Davis and John H. Davis.

**CASE:           Conservatorship of Lamp-Smith**  
**Case No. CV PC 11-67**

It is recommended to approve the court investigator's report. (Prob. Code, § 1850 et seq.)

**CASE:           Estate of Northup, Jr.**  
**Case No. CV PB 13-111**

The parties are **DIRECTED TO APPEAR.**

**CASE:           Estate of Wenk**  
**Case No. CV PB 11-129**

The court notes the following deficiency: Petitioner has not filed the Franchise Tax Board's state income tax certificate showing that all state personal income taxes, additions to tax, penalties, and interest imposed on the estate or the decedent have been paid or that payment has been secured. (Rev. & Tax. Code, § 19513; Cal. Rules of Court, rule 7.551.)

**CASE:           Conservatorship of Westervelt**  
**Case No. CV PC 11-7**

It is recommended to approve the court investigator's report. (Prob. Code, § 1850 et seq.)